

Fair access to schools?

The impact of the appeals and waiting list system

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and Capacity



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<https://www.gov.uk/government/collections/national-pupil-database>

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Foreword

The Education Policy Institute is an independent, impartial and evidence-based research institute which aims to promote high quality education outcomes for all, through analysis that both informs and influences the policy debate in England and internationally.

An important issue is the extent to which all children are able to access a high quality education. If school quality varies, which groups are more likely to get into the best schools, and how well does the admissions and appeals system work?

This publication uses newly released Department for Education school preferences data to consider what proportions of children gain access to the schools which their parents have expressed a high preference for. It also looks at how successful children from differing groups are in gaining access to high preference schools through the appeals and waiting lists process.

This analysis highlights that certain groups seem to lose out at both stages in our school admissions system - they are less likely to be offered their first preference school, and less likely to access it through appeals and waiting lists. Further research is needed to explore causality in more depth. But our findings reinforce the case for the government establishing the recently promised review into the admissions system.

As always, comments on the analysis and conclusions of this report are very much welcome and will help inform our future work in this area.



Rt. Hon David Laws

Executive Chairman, Education Policy Institute.

Executive summary

The government has stated that its primary education goal is to provide world-class education for everyone, regardless of their background. This will be achieved through ‘*prioritising in all we do the people and places left behind, the most disadvantaged*’.ⁱ One of the central ways in which where you are born influences your life chances is the allocation of pupils to schools. Key to this allocation is how parents choose schools and how places are allocated when schools are oversubscribed. The likelihood that parents are offered their first choice of school has been shown to vary markedly by pupil characteristics and geographic area.ⁱⁱ

However equal access to education also depends on what happens at later stages of the allocation process, for parents who miss out on their first choice. Much less is known about this, including **the role of appeals and waiting lists in supporting parents to access their preferred school**. This is the focus of this report. It comes at a time when the choices that parents face are increasingly complex, with eight-in-ten secondary schools acting as their own admission authorities. This report considers whether some groups of parents – or those living in certain areas – are more likely to successfully appeal or use waiting lists to get the secondary school place they want; the potential reasons for doing so; and how this affects the Ofsted rating or social intake of the school their child attends. We show that the system of appeals and waiting lists perpetuates educational inequalities and put forward some proposals to address this.

How do parents’ school preferences compare to where pupils end up?

Overall out of the half a million (545,000) total secondary school offers in 2016/17, 84 per cent (or 459,000) of these were offers to parents for their top choice of school.

Of the remaining 86,000 offers made to parents that were *not* their first choice:

- **around one in five families (16,000) successfully appealed or used waiting lists** to secure *any* school that was higher on their list than the one they were originally offered;
- around one in seven (13,000) were successful in using these routes to secure their *first* preference school.

This varies considerably at a local level. Of those families *not* offered their top choice of school, around four-in-ten in Bath and North East Somerset, West Berkshire and East Riding of Yorkshire gain access to their first choice through appeals and waiting lists. By contrast, in Trafford, Hackney and Newham just 6 per cent of families do so. Families whose preferred school is rural are more likely to improve on their initial offer than those whose first choice is urban.

What affects the likelihood of successfully appealing or using waiting lists?

The likelihood of getting into a first-choice school through the appeals and waiting lists system varies considerably by family background, ethnicity, and pupil attainment at primary school:

- **For pupils in the least deprived areas, the odds of securing a first choice school through the appeals and waiting lists system are twice as high as those living in the most deprived areas.**
- **Black and Asian pupils are less likely to get a place in their top choice of school through the appeals and waiting lists system than White British and Chinese pupils.** Just 10 per cent of

Black pupils and 12 per cent of Asian pupils get their first choice through this route, compared to 21 per cent of White British pupils and 17 per cent of Chinese pupils.

- **Disadvantaged pupils (who are eligible for the Pupil Premium) are also more likely to miss out on their first choice through appeals and waiting lists**, compared to non-disadvantaged pupils (13 v 18 per cent).
- **Those with low attainment at the end of primary are less likely to access their first choice of secondary school after using these routes** than those with high attainment (15 v 23 per cent).
- Even after controlling for location, poorer families and those from ethnic minority backgrounds are still less likely to secure their top choice of school through the appeals and waiting list system.

The number of schools that parents apply to may have an impact on the school they are offered. Parents who omit 'slots' on their school application form could be more at risk of ending up with a school place they are not happy with. Overall **nearly three-quarters of parents do not apply to the maximum number of schools permitted by their local authority**. Leaving a missing preference slot increases the odds that parents use appeals and waiting lists to get into their most preferred school by 15 per cent, compared to applying to the maximum number of schools.

The Ofsted rating of the school also affects how parents respond to an offer of a place. **Among those offered a good or outstanding school that is not their first choice, nearly two-thirds take-up the offer compared to just half when the school is rated less than good**. This suggests that parents do place some weight on Ofsted judgments when choosing schools.

What are the outcomes of successfully appealing or using waiting lists?

The appeals and waiting lists system is a route for accessing schools with higher Ofsted ratings, and socially advantaged intakes:

- **Around 95 per cent of those who successfully use the school appeals and waiting lists system to secure their first choice get into a good or outstanding school**. This more than halves (to 42 per cent) for parents who are offered a school that is not on their preference list at all. This highlights the risk for parents of not using all their preferences, as they are more likely to receive an offer of a school place with a poor Ofsted rating.
- **First choice schools secured by parents through the appeals and waiting lists system are more socially selective than other schools**. These schools have fewer pupils from disadvantaged backgrounds than the average school initially offered (10 per cent compared to 18 per cent) **and are also much less deprived than their local areas**.

Conclusions and recommendations

The demographic groups that are more likely to be offered their first choice of school tend also to be more successful at the later stages of the appeals and waiting list process. This is a concern not just because some families are less likely to have their school preferences met. It also matters because the schools that are accessed using appeals and waiting lists are overwhelmingly good and outstanding and – even allowing for this – socially advantaged in terms of their intakes.

Understanding *why* these gaps arise is hampered by poor data. However, at least part of the problem lies in the way the allocation process works: proximity is often the main criteria to

determine who is offered a place in the good, oversubscribed schools (and waiting lists rank pupils on the same basis as the offers round). Prioritising pupils based on geography is well-established in England but widens socio-economic gaps, including at later stages of the allocations process. The appeals system may also disadvantage some parents through its requirement for a written statement outlining parents' reasons for appeal.

In conclusion, this is the first detailed analysis of the secondary school appeals and waiting lists system. It reveals **a system that perpetuates inequalities in access to preferred and good schools, and increases social segregation**. This works against the government's aim of providing a world-class education which prioritises the most disadvantaged. The government has previously promised a review into school admissions which has not yet happened. Our analysis indicates this is now pressing. Based on our findings we recommend:

- **The government must undertake a review of the school admissions system** which should include a detailed assessment of how school appeals and waiting lists are used.
- **Parents should have better information to navigate the complex admissions and appeals process.** All families have the right to use the appeals and waiting lists system, though not all parents may be aware of this or be able to exercise these rights. Government, local authorities and parent groups should also encourage parents to use all their available preferences when applying to schools. This may mean more parents receive an initial offer they are satisfied with, without the need for using appeals or waiting lists.
- **Support should be in place to ensure a level playing field for parents when appealing for a school place:** the requirement to produce a written statement may be a barrier to some parents.
- **More granular data should be collected and published on the number and proportions of appeals lodged, heard and upheld in parents' favour – including by pupils' demographic characteristics.** This would provide insight on whether some groups of parents are less likely to lodge an appeal or are less successful, having done so.

Chapter 1: How do families navigate the school choice system?

Context

One of the central ways in which geography influences life chances is access to good schools. There are clear inequalities in access to good schools, with pupils from disadvantaged backgrounds less likely to attend good schools than their peers.ⁱⁱⁱ From a policy perspective, understanding *how* these gaps arise is key to addressing them – and central to this is the process by which children are allocated to schools. This has become more complex since 2010, with an increased focus on creating greater school choice through the academies and free schools programme. Nearly half of primary schools and 86 per cent of secondary schools are now their own-admissions authority.^{iv} This creates an increasingly autonomous and diverse school system for parents to navigate when choosing schools.

A key part of the allocation process is how parents choose schools and how places are allocated when schools are oversubscribed. Previous research shows the likelihood that parents are offered their first choice of school varies markedly by family background and geography.^v However equal access to preferred schools also depends on what happens at later stages of the process, for parents who miss out on their first choice. Much less is known about this, which is the focus of this report. We consider whether some parents – or those living in certain areas – are more likely to successfully appeal or use waiting lists to get the place they want, the potential reasons for doing so, and how this affects the Ofsted rating and social intake of the school their child subsequently attends.

How do appeals and waiting lists work?

Parents normally apply to secondary schools in October for entry in the following September. All parents can express a ranked set of preferences for at least three schools – in some areas, it is as many as six. Parents apply to the local authority where they live using a single application form (online or paper). They can nominate any state-funded school in any area but they do not have an absolute right to *choose* a school unless there are fewer applicants than places available.¹ If a school is undersubscribed, anyone that applies must be offered a place. When oversubscribed, a school's admission authority must rank applications against its published oversubscription criteria and send that ranked list back to the local authority. Each authority uses an algorithm to reconcile parental preferences with the school places available and identify for each applicant the highest preference place that is available. Pupils receive this offer from their local authority on National Offer Day (usually 1st March). In some cases, local authorities are unable to offer a place at any of parents' preferred set of schools and so will allocate a place at another school with capacity.²

If parents are unhappy with the offer, they have the right to appeal. Specifically, they can appeal for places at all schools for which they have applied and been refused a place.³ Not all of these will reach the stage of being heard by an appeals panel – for example, if they are withdrawn. Appeal panels are independent and must decide whether to dismiss or uphold the appeal in parents' favour,

¹ The exception is children with a statement of Special Educational Needs (SEN) or Education, Health and Care (EHC) plan, who must be awarded a place at their named school.

² Very occasionally they may be unable to offer any place at all.

³ Appeals by the parent of a child with a statement of SEN against the school named in the statement – or the fact that no school has been named – do not follow this process and are considered by the First-tier Tribunal. The rules on admissions to state-funded schools also do not apply to independent schools.

in-line with the School Admissions Appeals Code.^{vi} The panel must consider whether the admission arrangements (including the oversubscription criteria) comply with the School Admissions Code and whether they were properly applied.^{vii} If they were not, the child must be admitted to the school. The panel also considers whether admitting an extra child would ‘prejudice’ the education of other pupils. If the parent’s reasons for their child to attend outweigh the school’s reasons for not admitting more children, this provides another basis for successful appeal.

Parents also have the option to put their child’s name on a waiting list for over-subscribed schools. The admission authority must keep a waiting list open for the first term of each admission year. These children are prioritised according to the school’s oversubscription criteria, *not* the date the child’s name was added to the list. This means a child’s position on the list can go down as well as up. When a place becomes available (for example, due to a child moving out of the area) that place is offered to the child at the top of the list. Parents can accept this offer even if the child has already started at another school. Parents who do not get the state school place they want also have the option of arranging other suitable education – such as home schooling or in the independent sector.

Trends in appeals

There are three measures published by the Department for Education (DfE) – appeals *lodged* by parents, appeals *heard* by an independent appeals panel and appeals *found in parents’ favour*.^{viii} In the most recent 2017/18 academic year, 35,911 appeals were lodged by parents applying to secondary school.⁴ Of these lodged appeals, 27,877 were heard by an independent panel (equating to 4.1 per cent of all admissions).⁵ Just under one-quarter (23.4 per cent) of secondary appeals heard were decided in the parents’ favour.

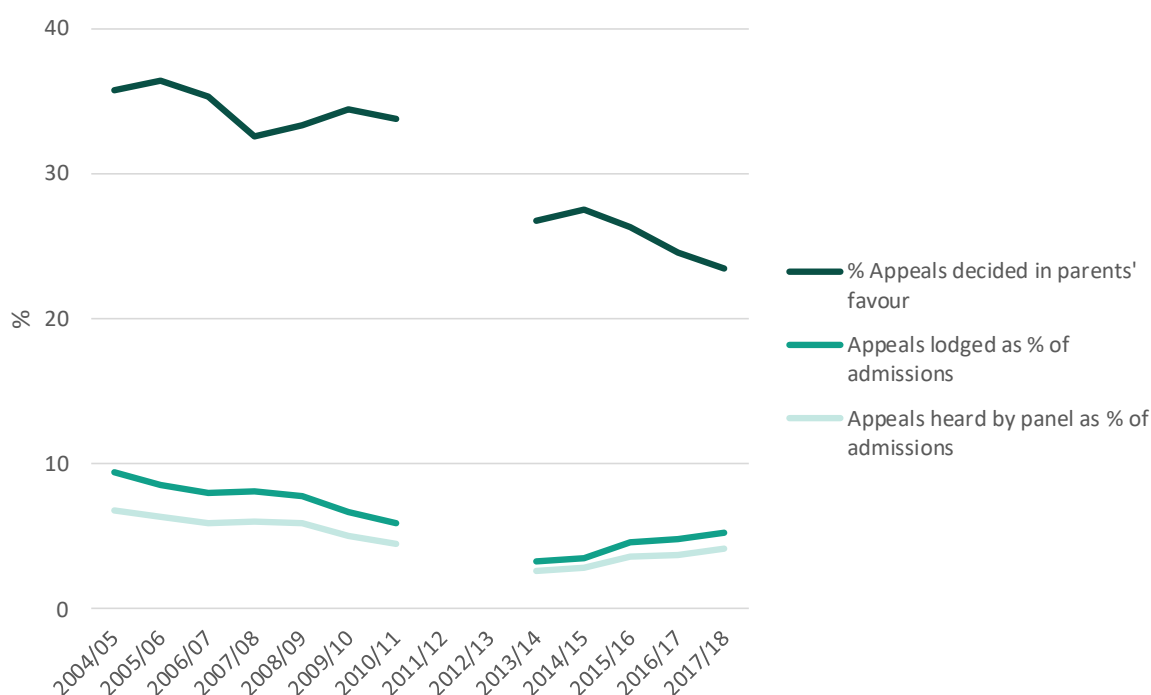
There is notable variation by secondary school type. All admissions authorities – including own admissions schools – are required to comply with the Admissions Code, though the Secretary of State has the power to vary this requirement for academies where there is demonstrable need. For community schools and voluntary controlled schools, the local authority usually acts as the admissions authority – for other school types, it is either the governing body (for foundation or voluntary aided schools) or the academy trust. Foundation schools had the lowest rate of appeals heard (2.6 per cent) in 2017/18 but the highest rate of those being successful (30.9 per cent). Success rates for other school types varied from 22.7 per cent (academies) to 24.7 per cent (community and voluntary controlled schools).

Figure 1.1 shows that since 2014/15 secondary appeals lodged and heard (as a share of admissions) have been rising, whilst success rates have been falling.

⁴ Parents can lodge more than one appeal e.g. against more than one school so this figure is likely to overestimate the proportion of parents making an appeal.

⁵ Admissions cover both entry into the first year of secondary school, plus new admissions into other years.

Figure 1.1: Percentage of appeals lodged, heard and found in parents' favour



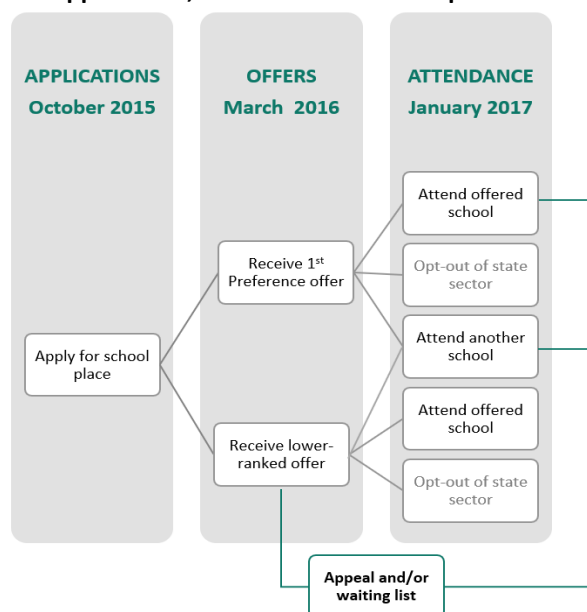
Note: The time-series has a break at years 2011/12 and 2012/13. The data are not directly comparable before and after this point due to differences in the way the appeals data are collected and presented.

There is a break in the time-series as it is *not* possible to make consistent comparisons over a longer period. Prior to 2013/14 the published data was collected and presented on a different basis.^{ix} This included removing academies from the dataset, as previously they were *not* required to provide appeals information. Bearing this caveat in mind, for the period 2004/05 to 2010/11 there was an overall decline in appeals for the secondary school population *excluding* academies.

Methodology and data

Our focus is on families applying to state funded secondary schools in autumn 2015 for entry in September 2016. Most applicants are offered their first preference; however, our key interest is in how parents behave when they are not offered this. They have several options including: taking-up the place offered; gaining access to a more preferred school through appealing or going on a waiting list; or opting-out of the state sector altogether. Some pupils also end up in a different school to the one offered that is lower-ranking or is a non-preferred school (for example, due to moving out of the area). By comparing the schools that parents *apply* to with the one they are *offered* and the one their child subsequently *attends*, this allows us to build a rich picture of the different routes that families navigate through the school choice system.

Figure 1.2: Stages of the school applications, offers and admissions process



Our primary interest is in parents who successfully appeal or use waiting lists to get into a school they prefer to the one initially offered. This ‘indirect’ route to accessing a preferred school is under-researched. Whilst we cannot directly observe parents who appeal or use waiting lists, we can identify children who end up attending a school that ranks more highly (based on their parents’ preferred list of schools) than the one they are offered. For the majority who pursue this ‘indirect’ route, this is their first preference school. This enables us to consider the characteristics, behaviour and outcomes of this group who successfully appeal or use waiting lists.

To identify our group of interest, we use a newly available national census of the school preferences stated by all parents applying to state-funded secondary schools. This contains their preferred list of up to six schools, ranked in order of preference. It also contains the school place that each family is offered in March 2016. We link the preferences data to the child’s National Pupil Database (NPD) entry for the spring term after they have started secondary school.

Our linked preferences to pupil-level dataset contains over half a million pupils. These are pupils whose parents have applied for a place through the normal round and subsequently enter the state-funded sector. The NPD includes their demographic characteristics which allow us to consider whether the allocation process works differently by socioeconomic background (based on Pupil Premium eligibility), ethnicity and prior attainment. Whilst the NPD also allows us to identify pupils with SEN, many secure a school place outside of this centralised process so pupils with SEN in our dataset may not be representative and are not considered separately. We also link to school characteristics for the schools that parents have applied to, the schools that parents receive an offer from and the school that their child attends. This includes Ofsted data, school-level demographic data (from the DfE school census) and DfE capacity data.

Data limitations

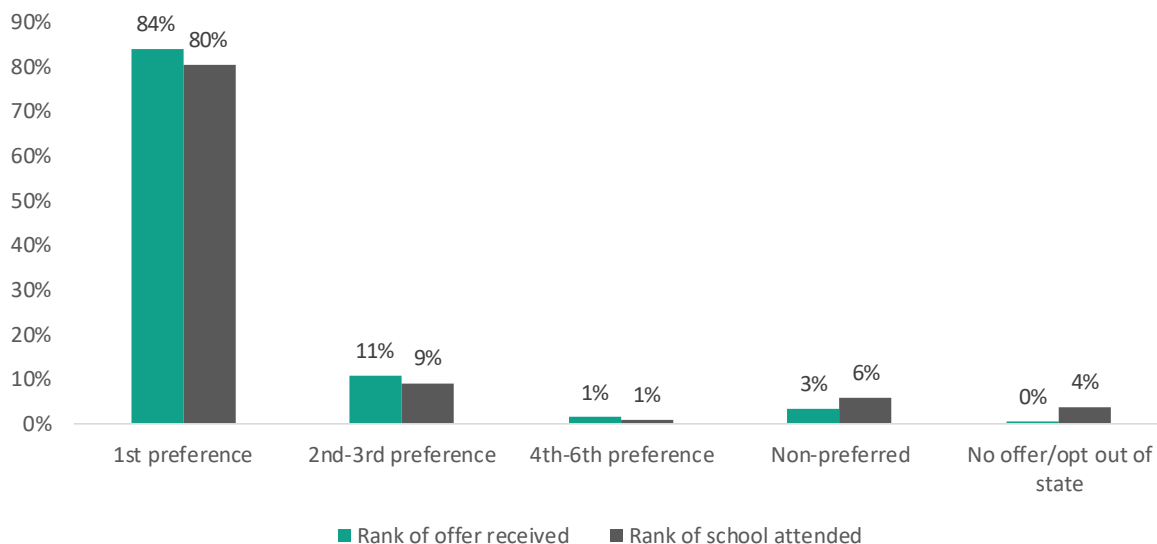
This approach has some limitations. Firstly, we are inferring that parents have successfully appealed or gone on a waiting list based on their child accessing a more preferred school to the one offered. However, we do not have data on this directly and cannot distinguish between these two routes. It

also means we can only identify those who *successfully* appeal or go on a waiting list by the spring term after they have started school, not those who are still in the process of doing so or have been unsuccessful. It is feasible that some pupils take-up the place initially offered to ensure they have a place but remain on a waiting list which allows them entry to their preferred school after the spring term. Finally, our pupil demographic data is based on pupils' NPD entry after they start secondary school. This restricts us from looking at those opting out of the state sector in terms of their characteristics, though this is not the primary focus of this research.

Routes through the choice system

Figure 1.3 shows that overall out of the half a million (545,000) total secondary school offers in 2016/17, 84 per cent (or 459,000) of these were offers to parents for their top choice of school. This compares to 81 per cent of pupils attending a first preference school. The gap between offers and attendance is partly explained by the 4 per cent of parents who apply to state schools but subsequently leave the sector altogether.⁶

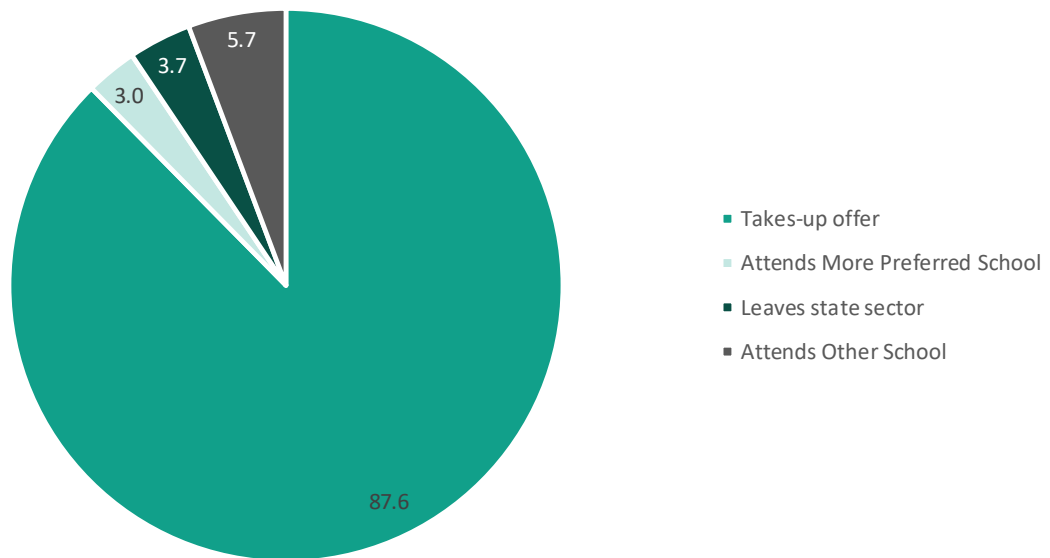
Figure 1.3: Percentage offered and attending a given preference rank of secondary school



By combining the school offers and attendance data, Figure 1.4 splits the entire cohort (545,000 pupils) into four groups. This shows that **88 per cent of pupils attend the secondary school that they are initially offered**. Just **3 per cent (16,000 pupils) gain access to a more preferred school than the one they are initially offered**, whilst nearly 6 per cent end up in a different school that is not higher-ranking – for example, due to changed family circumstance. The remaining 4 per cent leave the state sector, having applied for a place. This is in addition to those pupils that are educated outside of the state sector having never applied for a place who are not in the dataset.

⁶ These children may be home educated, privately educated or missing from our data for some other reason – for example, having moved abroad.

Figure 1.4: How parents respond to the offer of a secondary school place



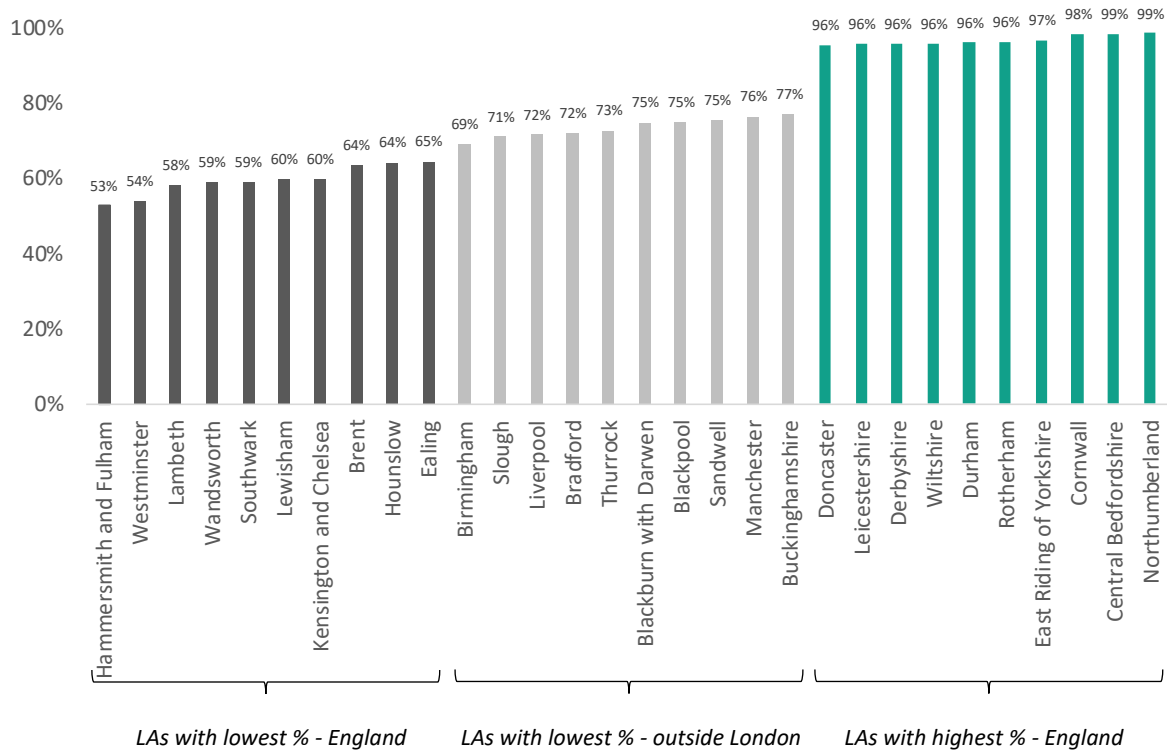
Local variation in routes

Nationally 84 per cent of offers in 2016/17 were for first preference schools. Of the remaining 86,000 offers made to parents that were *not* their first preference:

- **around one-in-five families (16,000) successfully appealed or used waiting lists** to secure *any* school that was higher on their list than the one they were originally offered;
- around one-in-seven (13,000) were successful in using these routes to secure their *first* preference school.

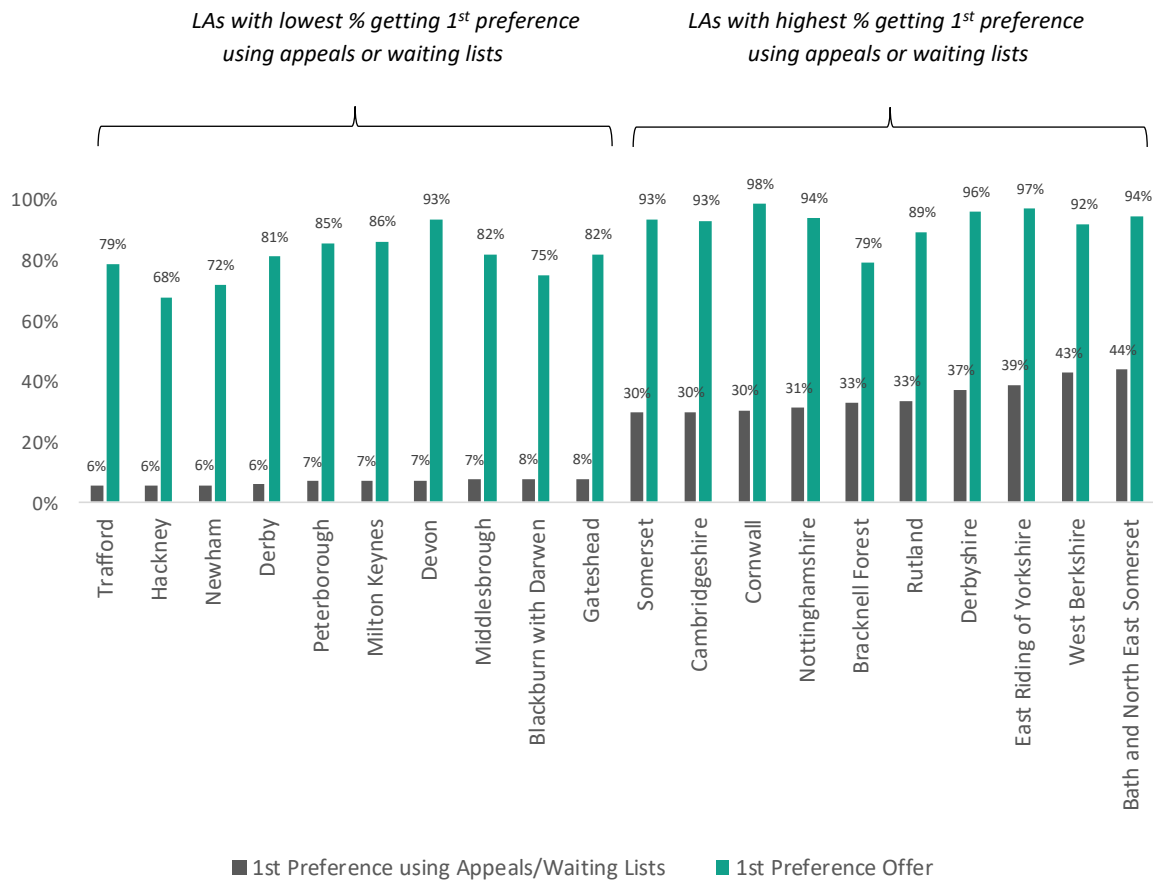
However, Figure 1.5 shows that there is marked geographic variation. Parents living in London boroughs were most likely to miss out a first preference offer. Of the 10 local authorities with the lowest share of first preference offers in England, all were in London. Outside of London, parents living in other big cities (such as Birmingham, Liverpool and Manchester) and the south-east (Slough, Thurrock and Buckinghamshire) were also less likely to be offered their first preference. By contrast in local authorities such as Northumberland, Central Bedfordshire and Cornwall virtually all parents were offered their first choice.

Figure 1.5: Ten local authorities with the highest and lowest percentage of first preference offers (lowest split between in and outside London)



Among the remainder of parents who are *not* offered their first choice, the proportion who successfully appeal or use waiting lists to access a higher preference school is almost one-fifth (19 per cent). And around one-in-seven (15 per cent) are successful in using these routes to secure their *first* preference school. Again, geography has a significant impact. Figure 1.6 shows that **around four-in-ten parents in Bath and North East Somerset, West Berkshire and East Riding of Yorkshire gain access to their *first* choice of school when not offered this initially.** By contrast in authorities such as **Trafford, Hackney and Newham just 6 per cent of parents do so.** These rankings look fairly similar when broadening the considering access to *any* school that is preferred to the one initially offered. It is generally more rural areas where parents are more likely to improve on their initial offer. Chapter 5 looks in more detail at the area-level characteristics that are associated with parents being more likely to get into their first preference school using appeals and waiting lists.

Figure 1.6: Ten local authorities with the highest and lowest percentage attending first preference school when not initially offered this, by local authority (first preference offers also shown)



Note: Only includes local authorities with more than ten individuals in numerator

There is a positive relationship between the likelihood of getting a first preference offer and the likelihood of being successful through the appeals and waiting list route. Figure 1.7 shows that families living in areas that already have a high proportion of first preference offers through the initial round are more likely to be successful at later rounds too. This may be because with relatively fewer people to have to find places for then it is easier to satisfy more parents' preferences, with a given level of school moves or drop-outs.

By contrast, there is a negative relationship between the likelihood of getting a first preference offer and the overall share of families who are successful using appeals and waiting lists. Figure 1.8 shows that areas with lower proportions being offered a first preference have higher volumes going through these later rounds than other areas.

Figure 1.7: Relationship between percentage of families getting first preference and percentage who access their first preference through appeals or waiting lists

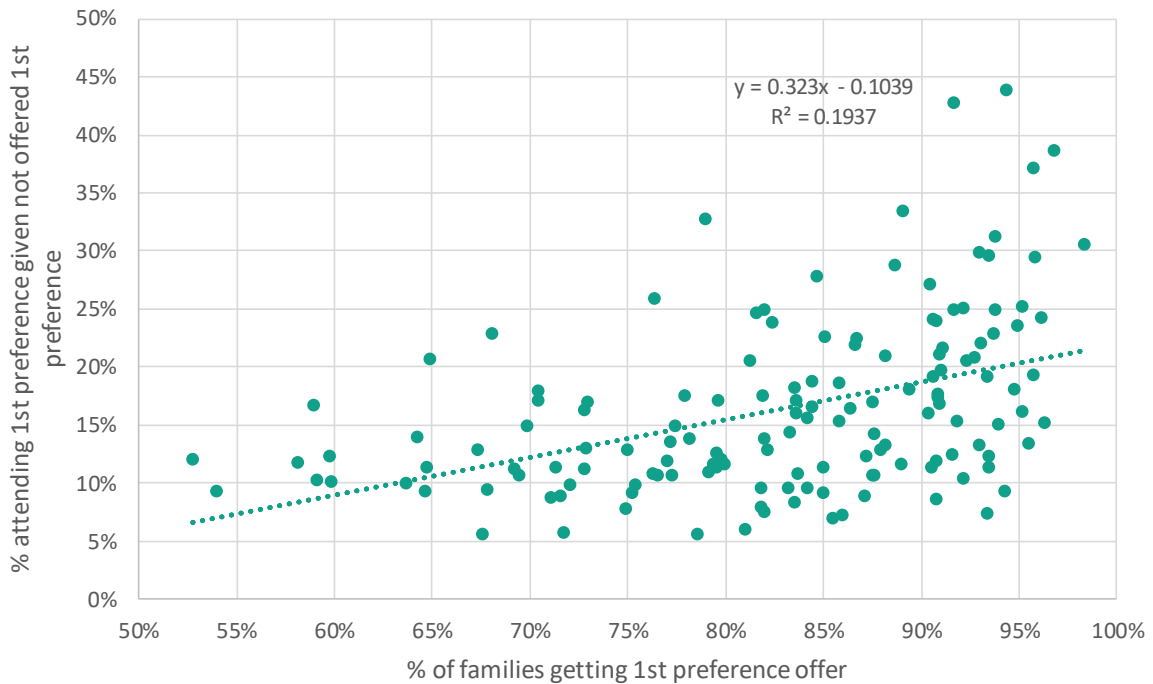
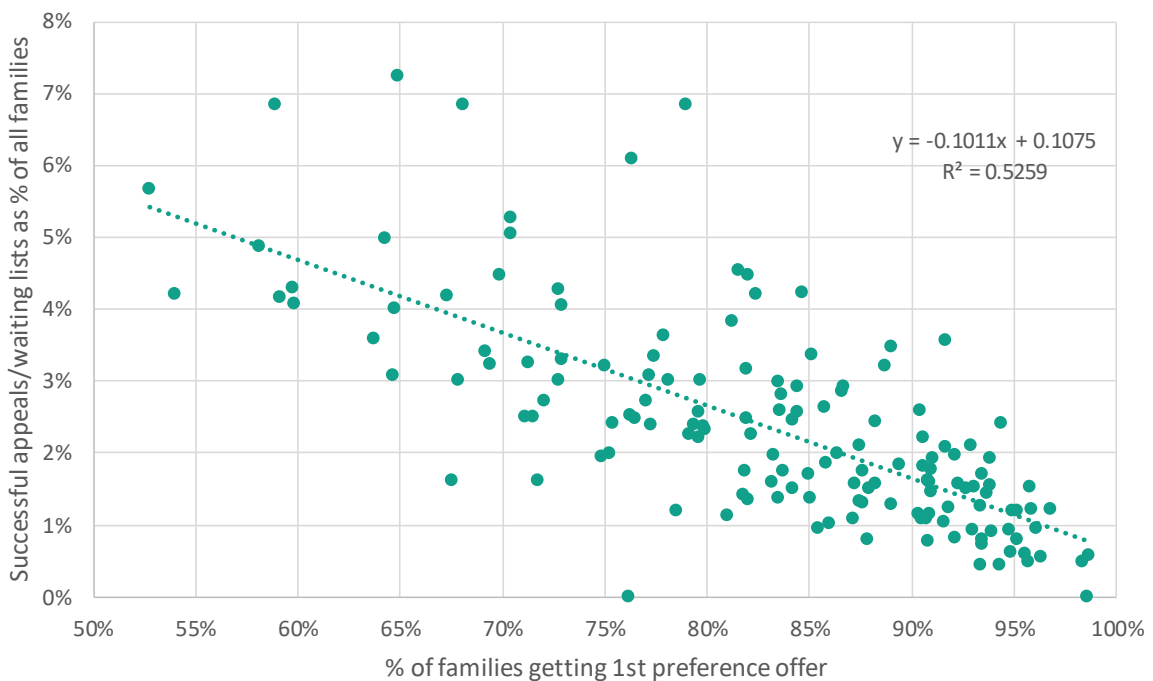


Figure 1.8: Relationship between percentage of families getting first preference offer and percentage of all families who successfully appeal or use waiting lists

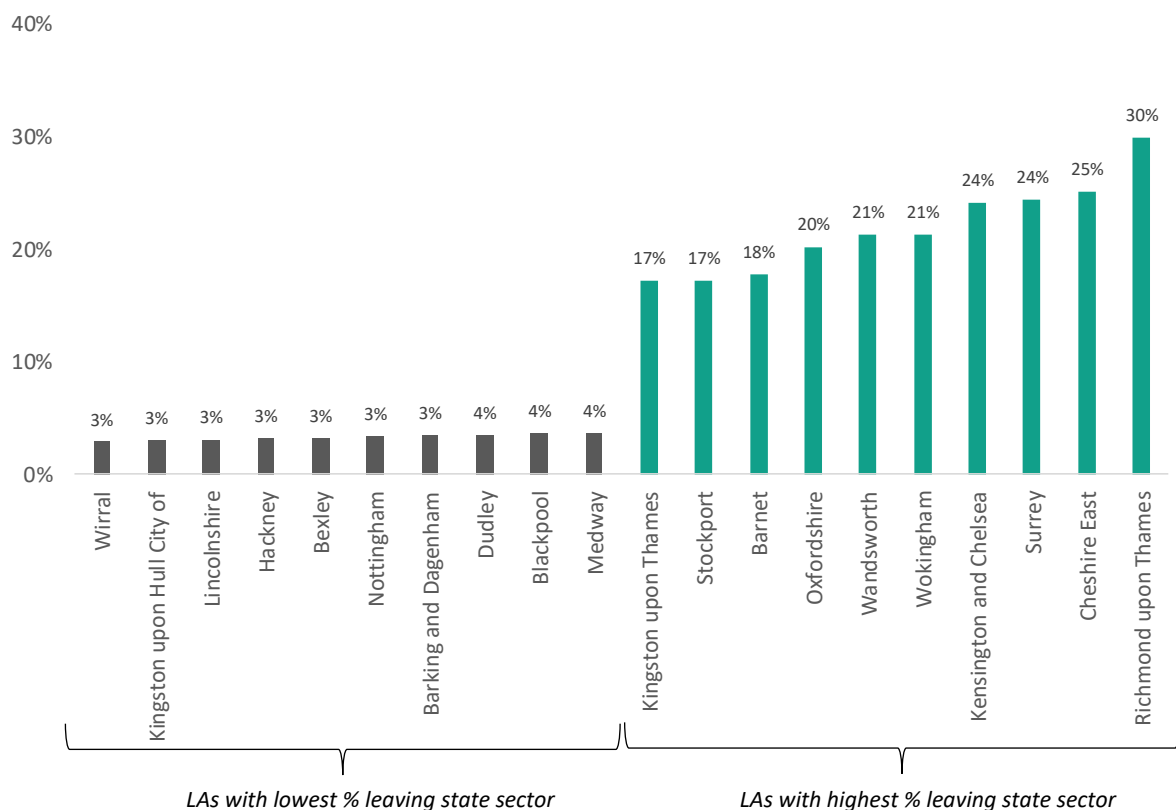


There is also local-level variation in the share of parents who leave the state sector, having initially applied for a place. The share of parents who opt out is highest in Richmond-upon-Thames (17 per cent), Wandsworth (15 per cent) and Kensington and Chelsea (14 per cent). **Eight out of ten of the authorities with the highest share of parents opting out are in London** – the exceptions being Surrey and Rutland. At the other extreme, just 1 per cent of all parents opt out of the state sector

(having applied for a place) in 20 local authorities including North East Lincolnshire, Sunderland and Knowsley.

An even higher share leaves the state sector when focusing on just the subset of parents who are not offered their first choice of school. Figure 1.9 shows that 30 per cent of families in Richmond-upon-Thames who are not offered their first choice opt out of the state sector, as do one-quarter of families in Cheshire East and Surrey. Families in these neighbourhoods live in some of the most affluent neighbourhoods in the country. This contrasts with under 5 per cent in Hackney, Barking and Dagenham and Blackpool – comprising some of the least affluent.

Figure 1.9: Ten local authorities with the highest and lowest percentage leaving the state sector among parents not offered their first preference school, by local authority



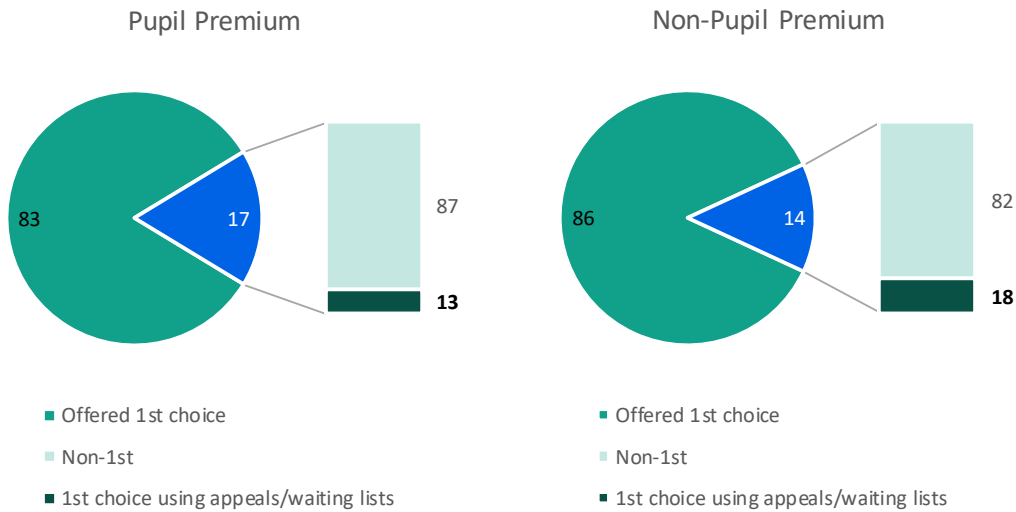
Chapter 2: Are some families more likely to access the school place they want through appeals and waiting lists?

Pupil Premium eligibility

In this section we consider how different groups of parents respond to an offer of a school place when it is not their first choice. That is, among those who miss out on their first preference school initially, are some groups better able to access the place they want? Overall, we find that **the likelihood of getting into the first choice of school through an appeal or waiting list varies by income, prior attainment and ethnicity.** Our analysis focuses on access to parents' first preference school but these demographic gaps are larger still when considering entry to *any* school that is preferred to the initial offer that parents receive.

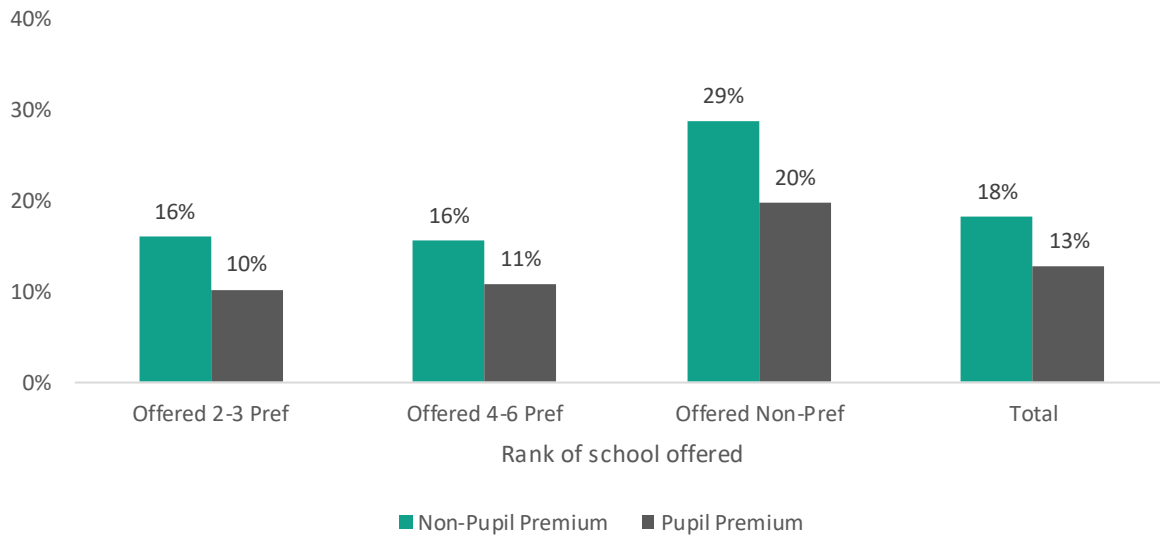
We look first at the impact of income proxied by Pupil Premium eligibility. Figure 2.1 shows that **pupils eligible for the Pupil Premium are less likely to receive a first preference offer than other pupils** (83 per cent compared to 86 per cent). Of those *not* offered their first preference, **Pupil Premium pupils are also less likely to subsequently access their first preference using appeals or waiting lists than other pupils** (13 per cent compared 18 per cent).

Figure 2.1: Percentage offered first choice school and subsequently accessing this through appeals and waiting lists, by Pupil Premium eligibility



Taking a closer look at this gap in access to a first preference school when not offered this initially, Figure 2.2 shows that it widens according to the rank of offer received. This gap is almost twice as large (9 percentage points) among those offered a non-preferred school: whilst 20 per cent of those eligible for the Pupil Premium gain entry to their first preference school, this rises to 29 per cent among other pupils.

Figure 2.2: Percentage attending first choice school when not offered this, by rank of offer and pupil premium eligibility

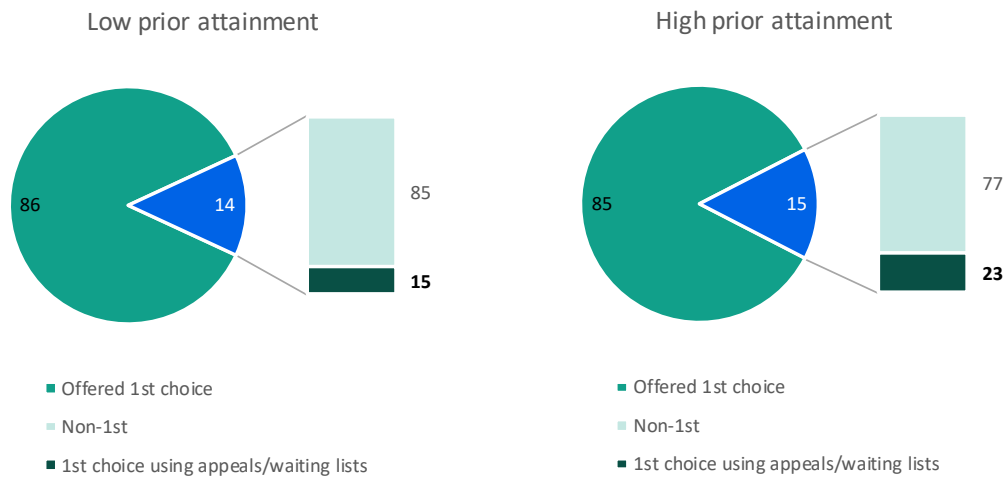


Prior attainment

The likelihood of receiving a first preference offer is similar for pupils with differing levels of prior attainment. Figure 2.3 shows that around 85 per cent of pupils are offered their most preferred school regardless of whether they had high or low prior attainment at the end of primary school.⁷ However, among those *not* offered their first preference, **pupils with low prior attainment are 8 percentage points less likely to access their first preference using appeals or waiting lists than those with high prior attainment** (15 per cent compared 23 per cent).

⁷ High prior attainment is defined as performing *above* the expected level at Key Stage 2; low prior attainment is defined as performing *below* the expected level.

Figure 2.3: Percentage offered first choice school and subsequently accessing this through appeals and waiting lists, by prior attainment

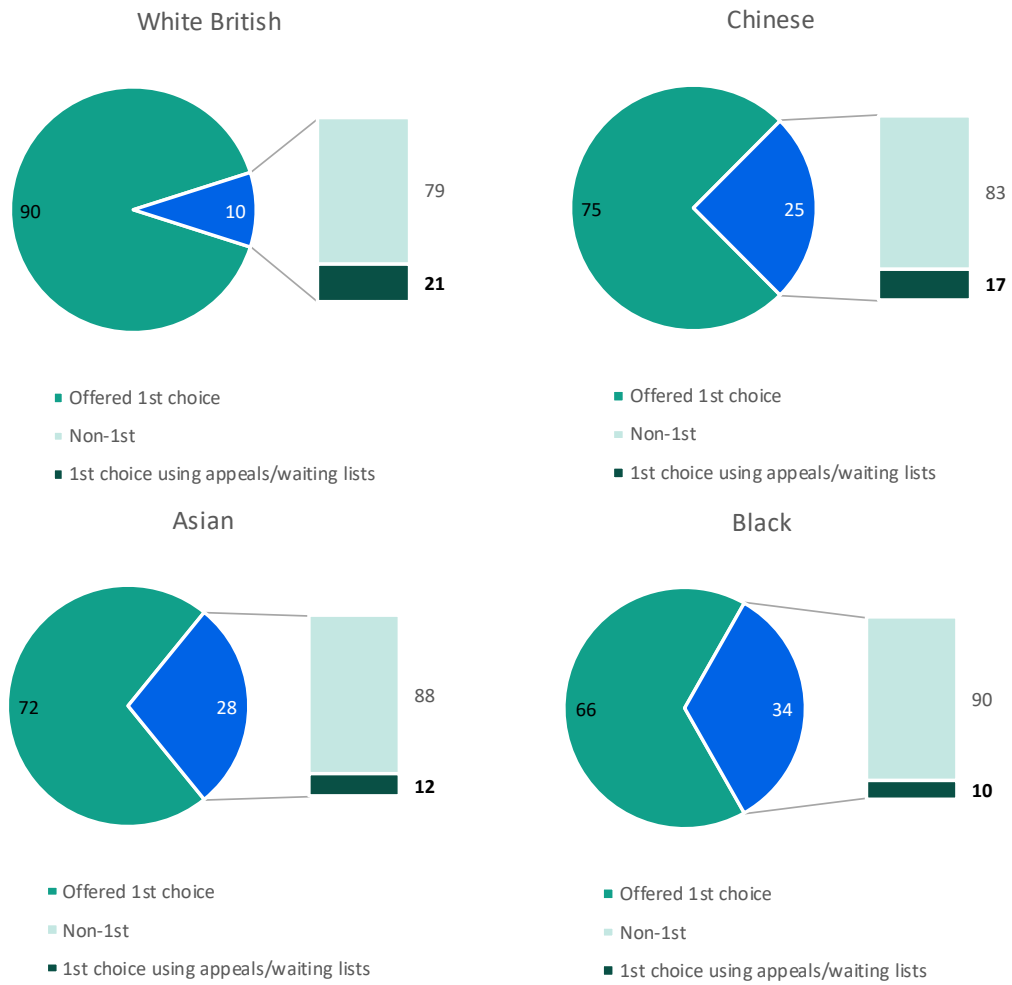


Ethnic background

There are clear differences in the likelihood that pupils attend a first preference school by ethnic background. Figure 2.4 shows that **Black and Asian pupils are less likely to be offered their most preferred school than White British and Chinese pupils, and to subsequently access this using appeals and waiting lists.**

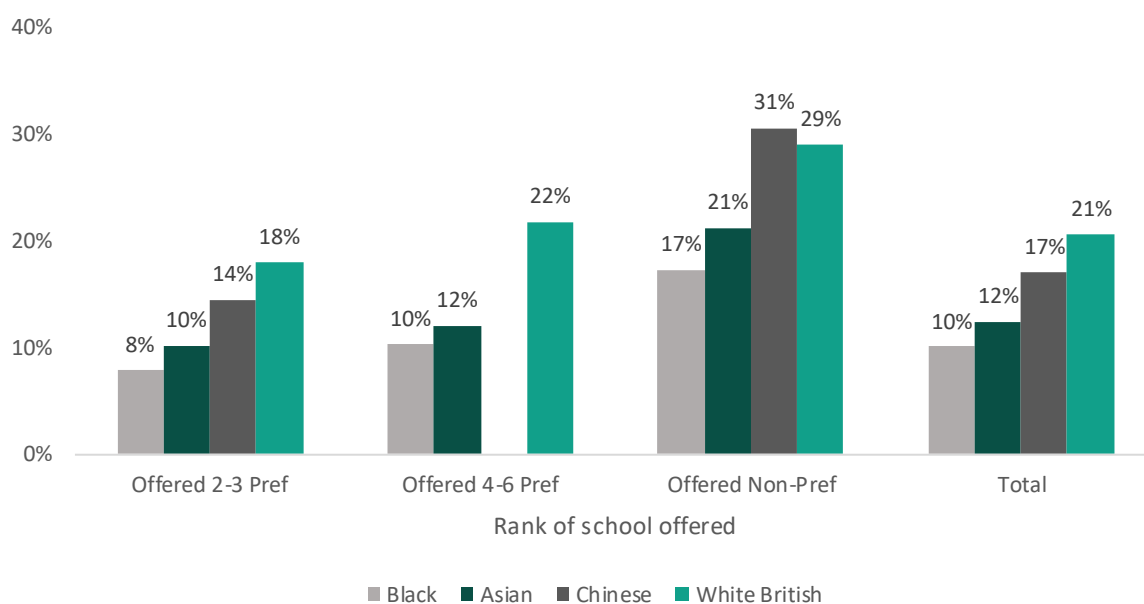
Taking a closer look at the latter gap by rank of offer received, Figure 2.5 shows that the gap between Black and White British pupils is at least 10 percentage points for each rank of school offered. Among those offered a *non-preferred* school, around 30 percent of Chinese and White British pupils attend their parents' first preference school through an appeal or waiting list, compared to 17 per cent of Black pupils and 21 per cent of Asian pupils.

Figure 2.4: Percentage offered first choice school and subsequently accessing this through appeals and waiting lists, by major ethnic group



Note: White Other, Mixed, Unclassified and Any Other Ethnic group not shown on chart.

Figure 2.5: Percentage attending first choice school when not offered this, by rank of offer and major ethnic group



Note: White Other, Mixed, Unclassified and Any Other Ethnic group not shown on chart. Chinese attending first choice of school having been offered fourth-sixth preference suppressed due to fewer than ten individuals.

Of course, these characteristics can overlap – for example, pupils with low prior attainment are more likely to be both poor and White British. Yet these gaps are still statistically significant when we account for them simultaneously (alongside other factors such as location) in a logistic regression model in chapter 5. Moreover, as these are the same characteristics that tend to be associated with who is successful at the initial offers round, the **appeals and waiting lists system appears to exacerbate gaps in access to preferred schools.**

Understanding *why* these gaps exist is hindered by the data. As discussed earlier we cannot say if they reflect differences in the *take-up* of the appeals or waiting list processes among different groups, or differential *success rates* (or some combination). However, part of the problem is the way the allocations process works, with widespread use of distance as an oversubscription criterion.^x This prioritises families who can afford to live closer to good schools when there are more pupils than places. Crucially this happens not only at the initial offers round but through waiting lists too, as the latter operates in the same priority order as the offers round. Prioritising pupils based on geography is well-established in England but widens socio-economic gaps, including at later stages of the allocations process.^{xi} It confers a ‘double disadvantage’ on poorer families.

In addition to geographic advantages, better-off families may also be more likely to have the financial and cultural resources to pursue an appeal. Limited evidence does *not* appear to suggest this is the case. Coldron et al, (2008) found that there were no significant associations between *use* of appeals and parents’ family characteristics, consistent with more recent survey evidence.^{xii} However, without better data it is not clear whether differences still exist in the *outcomes* of the appeals process, even if families from different backgrounds are similarly likely to have lodged an appeal. It is plausible that the appeals system may disadvantage some parents through its requirement for a written statement at the start of the process, outlining parents’ reasons for

appeal. This is clearly a potential barrier for parents with poor literacy or for whom English is not their first language.

In summary, **the system of appeals and waiting lists exacerbates the gaps that already exist at the offers stage. The groups that are more likely to get first choice offers are also more likely to succeed at later stages of the choice process, further widening gaps in access to preferred schools.** In Chapter 4 we consider whether this matters in terms of school-level outcomes, based on Ofsted ratings and the social composition of schools' intakes.

Chapter 3: What are the drivers of families using appeals and waiting lists to access the school place they want?

The rank of offer received

Unsurprisingly the rank of offer received matters for how parents respond. Overall, we find that **parents are much more likely to seek an alternative to the initial offer of a place – even when it does *not* result in access to a more preferred school – if they are offered a school that they did not apply to.** Even a fourth-sixth preference offer appears to be much more acceptable than a place in a school that parents did not apply to.

Figure 3.1 shows parents offered their first preference school overwhelmingly take this up: 93 per cent do so. This compares to only around half of parents taking-up a fourth-sixth preference offer, still nearly twice as many as those receiving a non-preference offer (27 per cent).

Parents are also more likely to access a school they prefer to the one offered, the further down the list the initial offer falls. The likelihood is twice as high (30 per cent) among those offered a non-preferred school as those offered their second or third preference (15 per cent). Parents are also much more likely to end up in the ‘other’ category when offered a non-preferred school – these are parents who are offered one school but their children end up in a different one that is *not* ranked more highly on their preferred list. This group may feel that they have ‘nothing to lose’ by finding an alternative school to the one offered, given that they did not even apply to the former.

Figure 3.1: How parents respond to an offer of a school place, by rank of offer received

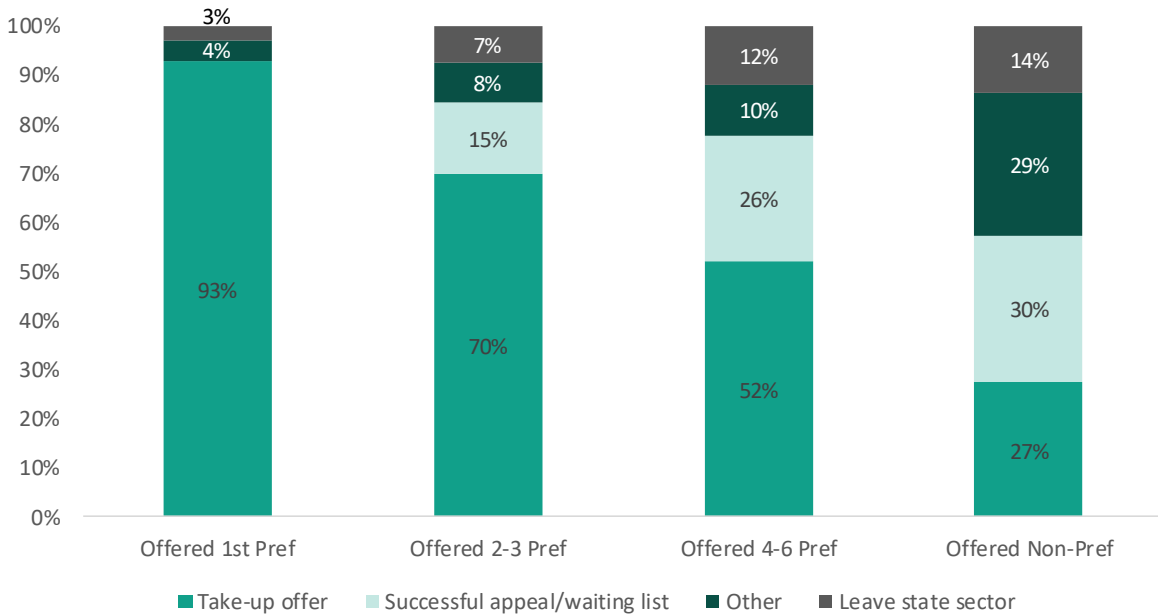
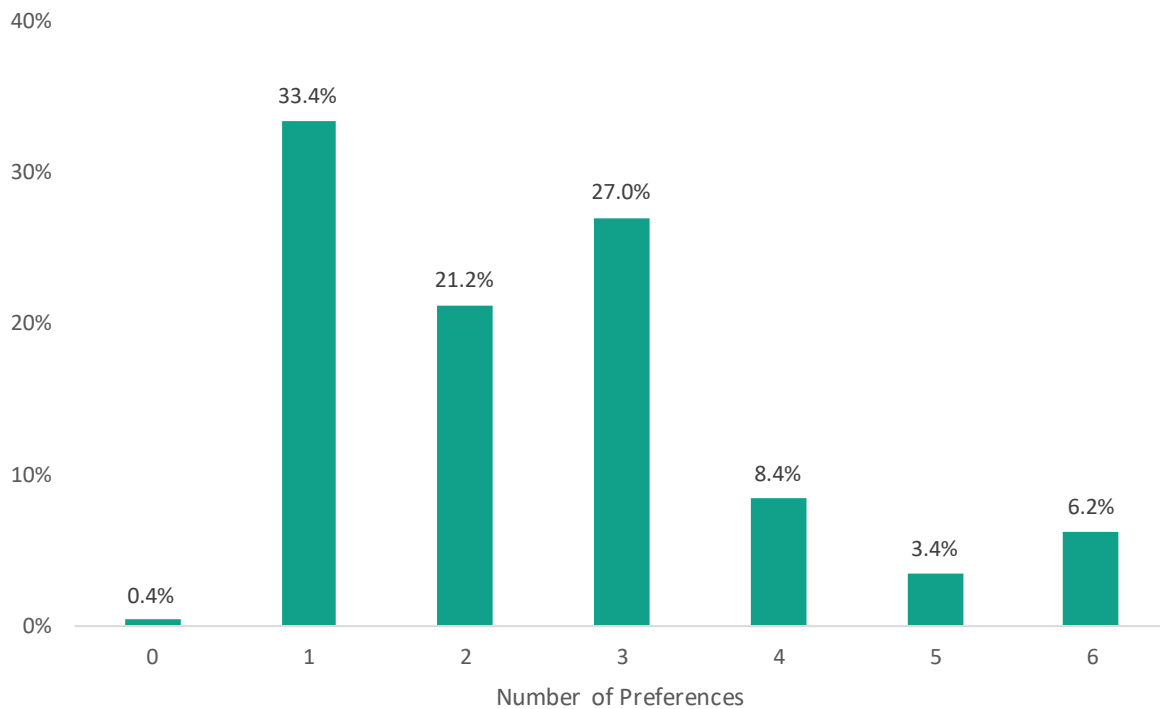


Figure 3.1 also shows that **parents are more likely to leave the state sector the further down the list the offer falls.** Even a second or third preference offer has over twice the share of parents opting out as those offered their first preference (7 per cent compared to 3 per cent). Conversely there is little differentiation between lower-ranked and non-preferred schools, with around one-in-eight of these parents rejecting the state sector for an alternative education for their children.

Number of preferences stated by parents

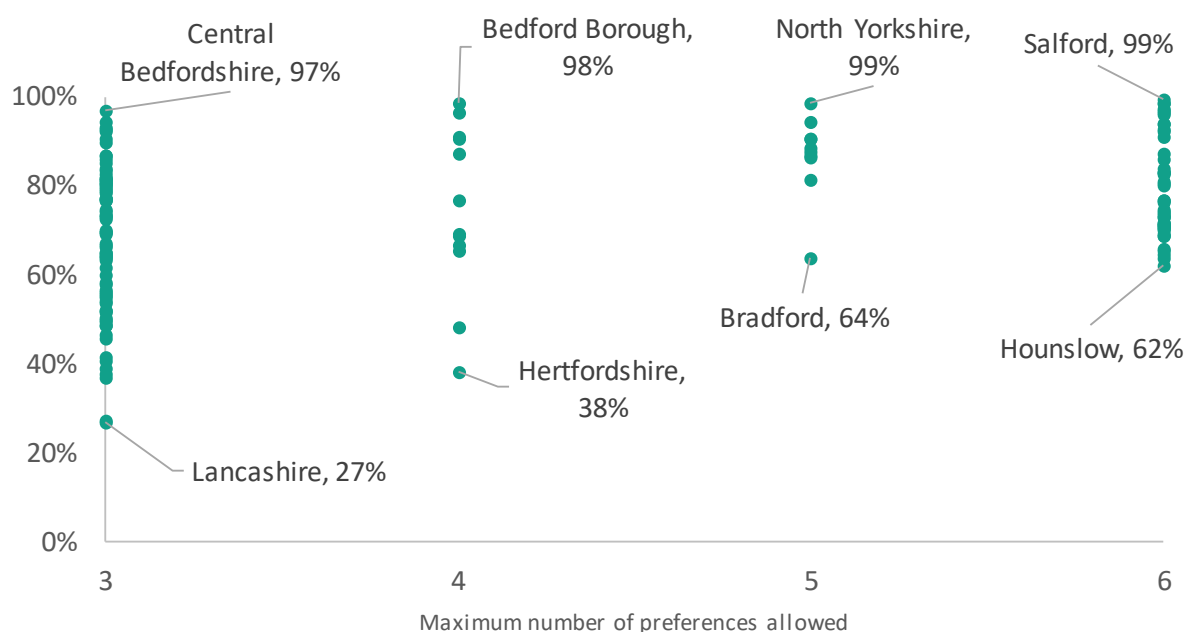
Nationally all parents can state at least three school preferences, with some allowed up to six by their local authority. Yet Figure 3.2 shows that **more parents apply to one school than any other number** – one-third of all applications nominate just a single school. Some of these will be ‘safe’ choices due to siblings already being present at the school. Fewer than 1 per cent state no preferences at all.

Figure 3.2: Number of secondary school preferences stated by parents (percentage of pupils)



Comparing how many schools are nominated to the maximum allowed locally reveals that **nearly three-quarters of families (72 per cent) in England do not fill in the maximum number of schools available to them**. Figure 3.3 shows that in some local authorities – such as Salford, North Yorkshire and Oldham – 99 per cent of families omit preference slots, compared to just over a quarter (27 per cent) in Lancashire and Brighton and Hove. In chapter 5 we consider in a regression model whether parents who miss out a slot when applying for schools end up being more likely to resort to appeals and waiting lists compared to those that fill out all their slots.

Figure 3.3: Percentage of applicants in each local authority applying to fewer schools than allowed, by the maximum number permitted locally



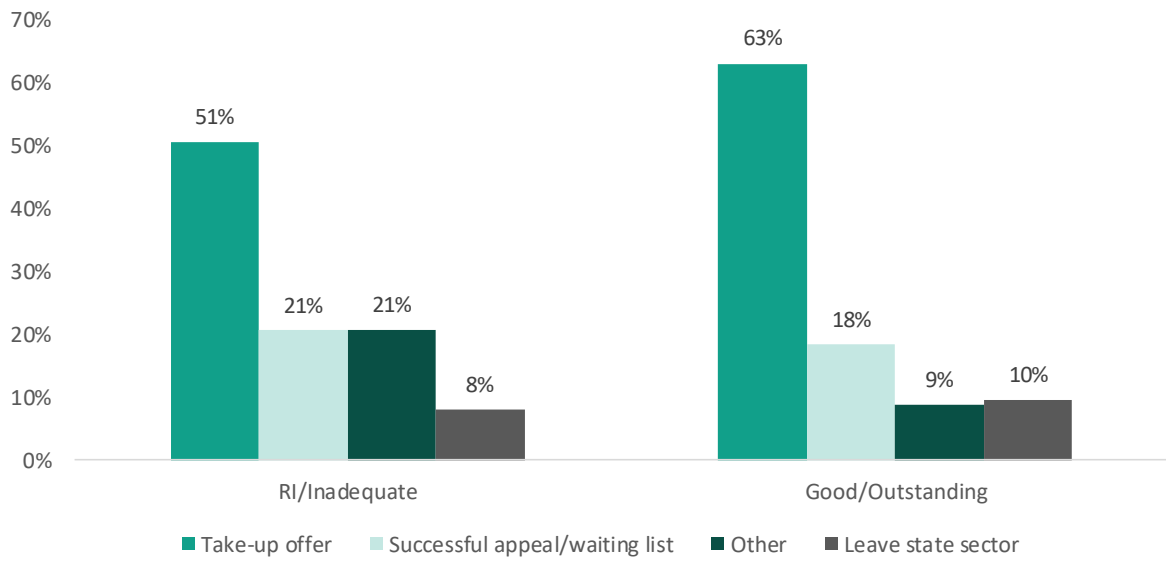
School characteristics: Ofsted rating

The previous chapter considered how the appeals and waiting list systems work for different groups of families. Here we turn to school-level factors: namely, are parents more likely to take-up the place that is offered if it is in a good school based on its Ofsted rating? We find that **parents who are offered a good or outstanding school are more likely to take-up a place even when it is not their first choice compared to those offered schools with lower Ofsted ratings**. We do not consider in this report the reliability of Ofsted ratings given our focus is on how parents respond to them, though this has been explored in previous EPI research.^{xiii}

In chapter 1 we saw that 84 per cent of applicants received an offer of their first preference school. Here we focus on the Ofsted rating of the school offered to those *who miss out on their first choice* initially (given our interest in parents who use appeals and waiting lists). Overall, just over two-thirds of offers to this group are in good or outstanding schools, compared to four-fifths of first preference offers.

Among parents offered a good or outstanding school that is not their first choice, nearly two-thirds (63 per cent) take-up the offer compared to just half when the school is rated less than good. The share of parents who use the appeals and waiting list systems to access a higher-ranking school is 18 per cent among those initially offered a good or outstanding school, rising to 21 per cent when the initial offer is less than good. The biggest difference, however, is for the ‘other’ group – parents who are offered one school, but their children end up in a different one that is *not* ranked more highly on their preferred list. This ‘other’ share more than doubles from 9 per cent among those offered a good or outstanding school, to 21 per cent when the school is less than good. This latter group may feel that they may as well find an alternative school to the poorly-rated one that is offered. Together these findings suggest that parents’ behaviour is at least partly influenced by Ofsted judgments.

Figure 3.4: How parents respond to an offer of a school place by Ofsted rating of offer



Chapter 4: What are the outcomes of the appeals and waiting list processes?

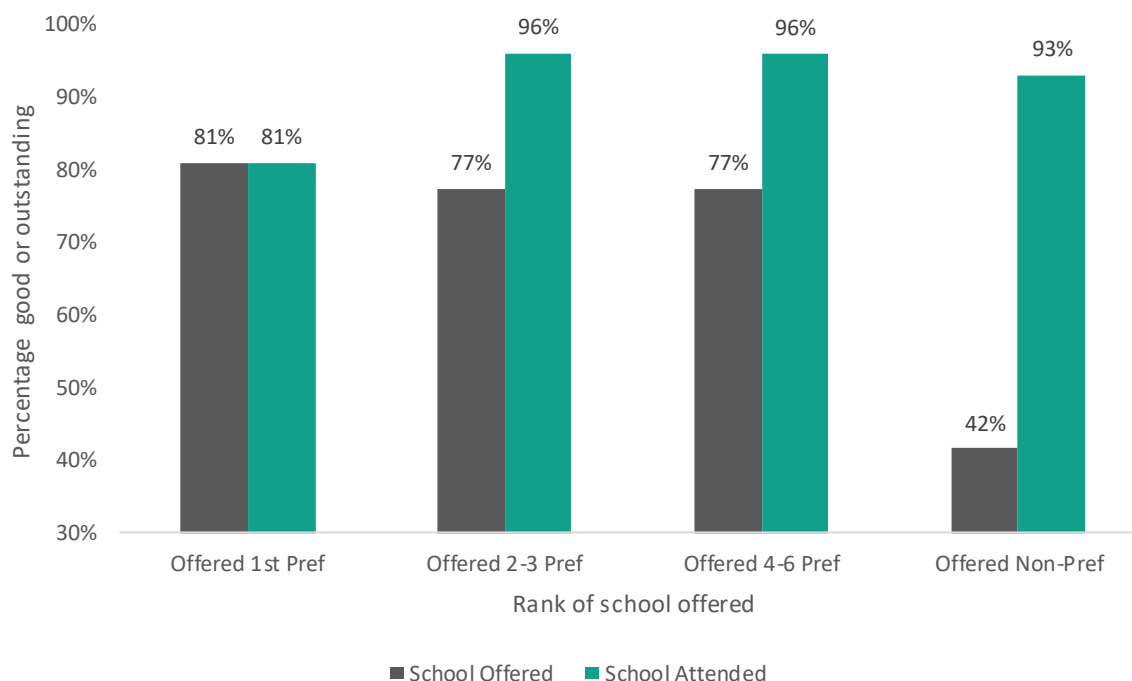
Are appeals and waiting lists a means of accessing good or outstanding schools?

The previous chapter found that a school's Ofsted rating is associated with whether parents take-up the offer, or use appeals and waiting lists to get into a more preferred school. Here we turn to outcomes: specifically, we consider whether those who successfully appeal or go on a waiting list access schools rated more highly by Ofsted, than had they simply taken-up the place offered. We find that, overall, **pupils who access a first preference school by an appeal or waiting list are much more likely to be attending a good or outstanding school** than had they taken up the place they were initially offered.

Figure 4.1 shows that 81 per cent of those taking-up their first preference offer attend a good or outstanding school. By definition, this does not include those who successfully appeal or use waiting lists. **Around 95 per cent of those who successfully use the school appeals and waiting lists system to get their first choice gain access to a good school.** This compares to two-thirds of the places initially offered to these applicants being good or outstanding. Why is the school attended even more likely to be good than for those taking-up a first preference offer? One possible explanation is that there are a variety of reasons why parents nominate a school as their first preference. Whilst for some this will be their genuinely preferred school, for others (e.g. in rural areas) they may have had no meaningful choice. By contrast, parents using appeals or waiting lists are actively seeking entry to a particular school instead of the one offered – and its Ofsted rating may be the reason for seeking entry in the first place.

The biggest gap in Ofsted ratings between the school offered and attended (for parents who successfully appeal or use waiting list) is for those offered schools that are not on their preference list at all. Just 42 per cent of non-preferred places offered to parents are in schools rated at least good. These tend to be schools that other parents have also not applied to and hence have capacity. It highlights the risk for parents of not using all their preferences as **a non-preferred school offer is much more likely to have a poor Ofsted rating.**

Figure 4.1: Ofsted rating of school offered, and school attended by rank of initial offer – pupils attending their first preference school only

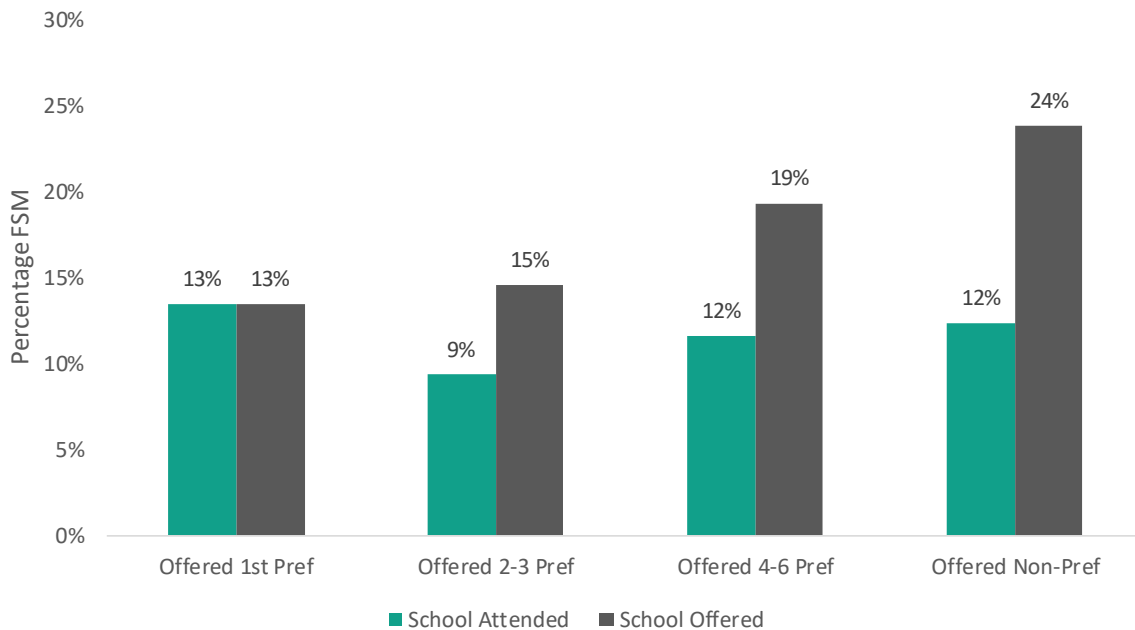


Are appeals and waiting lists a means of accessing more socially selective schools?

We have seen that parents who access their first preference school by an appeal or waiting list are much more likely to get into a school with higher Ofsted ratings than if they had taken up the place they were initially offered. Here we consider whether these routes are also a means of accessing a more socially selective school. We find **first choice schools secured by parents through the appeals and waiting lists system are much more socially selective than other schools**. These schools have fewer pupils eligible for Free School Meals (FSM) than the average school initially offered (10 per cent compared to 18 per cent) and are also much less deprived than their local areas.

Overall around 15 per cent of state secondary pupils are eligible for FSM. Figure 4.2 shows the share of FSM pupils in first preference schools accessed through the initial offers round is slightly lower (13 per cent). This compares to just 10 per cent among those who access their first choice via an appeal or waiting list. The deprivation gap between the school attended and the one offered for this group widens as the initial offer falls further down parents' preferred list of schools. For those offered a non-preferred school, school-level deprivation is twice as high (24 per cent) for those taking-up the place as for those who access their first choice via an appeal or waiting list (12 per cent).

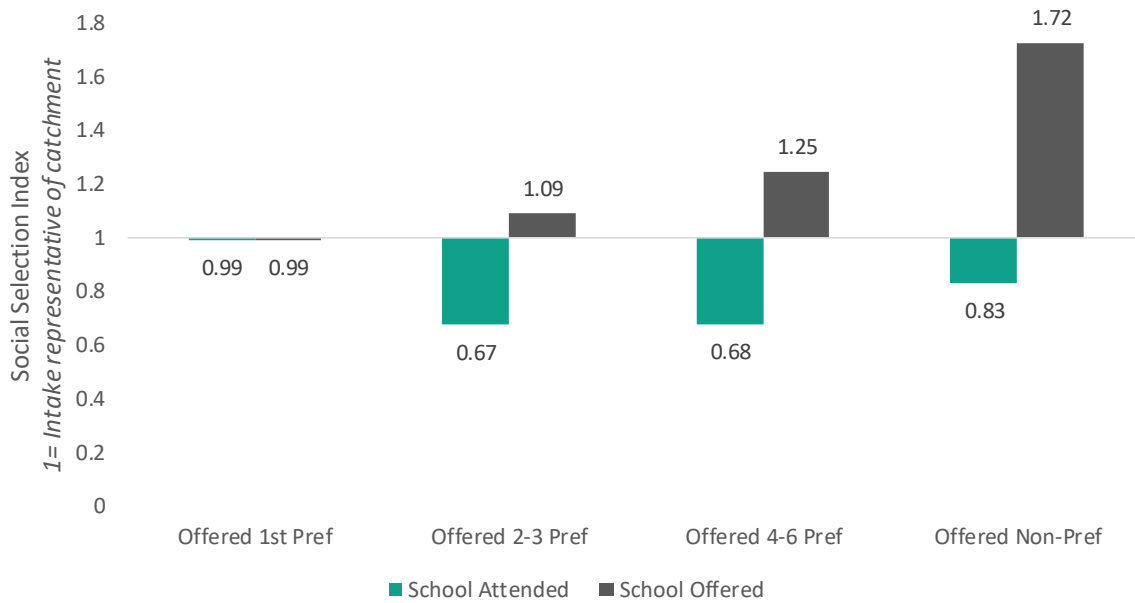
Figure 4.2: Percentage of pupils eligible for FSM at school offered and school attended among those accessing their first preference school, by rank of school offered



A very similar picture emerges using a relative (rather than absolute) measure of school deprivation. For each school we calculate a score that compares the proportion of pupils eligible for FSM in the school with that seen in its local neighbourhood. This ‘social selectivity score’ takes a value of 1 if the intake of the school matches that of the local area, above 1 if FSM pupils are more prevalent in the school than the local area and below 1 if FSM pupils are less prevalent. The local neighbourhoods are those that are within a reasonable travel distance of the school, such that 90 per cent of pupils travel less than this to school (see Andrews and Johnes, 2016 for the original analysis and definitions used).^{xiv}

Figure 4.3 shows that when a first preference school is accessed through the initial offers round, these schools tend to be *as* deprived as their local areas, with a social selectivity score close to 1. But **when a pupil accesses a first preference school through appeals and waiting lists, it is much less deprived than its local area**, with a score averaging 0.72. This means that the odds of these pupils being eligible for FSM are around three-quarters of those for all children in their local area.

Figure 4.3: Social selectivity score of school offered and school attended among those accessing their first choice of school, by rank of school offered



The implication is that **parents who successfully appeal or go on waiting lists are not accessing less deprived schools solely due to their location; they are accessing less deprived schools than their local communities.** This is not purely driven by these schools being overwhelmingly good and outstanding schools. Even among the subset of pupils in good and outstanding schools, those who gain access to their preferred school by appealing or waiting lists are in less deprived schools. Previous research indicates the social intake of schools is a consideration for parents choosing schools, as well as their academic quality and proximity.^{xv} This could at least partly explain the more socially selective nature of schools accessed through appeals and waiting lists.

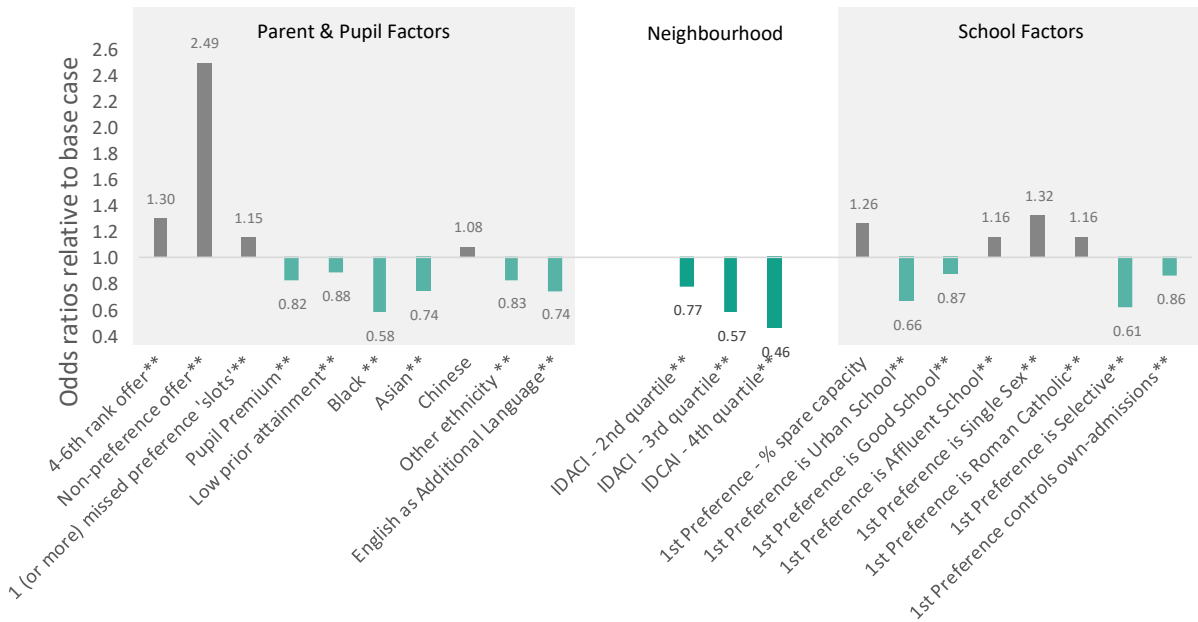
Chapter 5: Combining factors associated with successful appeals and waiting lists in a single model

A range of individual, school and area-level factors are associated with how parents respond to an offer of a school place that is not their first choice. These factors are likely to be interrelated. In this chapter we run a logistic regression model to account for them simultaneously. Our aim is to identify what factors are independently associated with parents successfully getting their first preference school when not offered this initially. Our outcome of interest is whether parents successfully access their first preference, having not received a first preference offer.

Overall the patterns largely confirm those in the raw data - parents are significantly *more* likely to get into their first preference school using appeals and waiting lists if:

- They are initially offered a school that is further down their preferred list – especially a non-preferred school;
- They apply to fewer schools than permitted by their LA;
- Their child is: ineligible for the Pupil Premium; performing at, or above, the expected level at age 11; White British; or has English as their first language;
- They live in a more affluent neighbourhood; or
- Their first choice of school is: less oversubscribed; in a rural setting; poorly rated by Ofsted; relatively affluent; single-sex; Roman Catholic; not its own-admissions authority; or is non-selective.

Figure 5.1: Odds ratios for getting into first preference school using appeals or waiting lists, when not initially offered first preference



Note: N =72,497. It includes only those cases that have values for all variables in the model. One in six (12,097) successfully access a first preference school using appeals or waiting lists; the remainder (60,400) do not. ** denotes statistically significant from base case at 5% significance level.

Some factors have a particularly large impact. Figure 5.1 shows **the odds of getting into a first preference school through appeals and waiting lists are:**

- **Around 150 per cent higher for parents initially offered a school that they did not apply to** than those offered their 2nd or 3rd preference;
- **Around 40 per cent lower for black pupils than White British pupils;**
- **Around 50 per cent lower for pupils living in the most deprived (25 per cent of) neighbourhoods** compared to the least deprived;
- **Around 30 per cent higher for parents whose first preference school is single sex** compared to a mixed school - these schools are in a minority and parents who nominate them as their first preference might be particularly keen on their child attending;
- **Around 40 per cent lower for parents whose first preference school is selective** compared to a non-selective school – these are some of the most competitive schools to get into and require pupils to pass an entrance exam.

Although the model in Figure 5.1 largely performs as expected, some of the characteristics of the first preference school are harder to interpret. We find that parents are more likely to successfully appeal or use waiting lists to access their first preference school if this preferred school has a *lower-rated* Ofsted score. This might be because whilst parents generally prefer good schools (and so are more likely to appeal or use waiting list if they don't get offered one), they are also more competitive to get into. Unfortunately, we cannot test this as the data do not allow us to separate out those who, despite appealing or using waiting lists, are *not* successful.

Similarly, previous research by Coldron et al (2008) has found that parents were more, rather than less, likely to make an appeal when the first preference school was selective.^{xvi} However, this is a different outcome measure to ours which is whether parents are *successful* in getting into their first preference school, having not been offered it initially.

A similar picture emerges if we re-run the model broadening our outcome variable to whether parents successfully access *any* preferred school to the one offered (rather than just their first preference).⁸

Collecting and publishing more granular data which separately identify those lodging an appeal from those who are successful having done so would support future research and provide additional insight.

⁸ However, the variables for capacity in the first preference school, whether it is good and having missed preference slots become insignificant or borderline significant at the 5 per cent level.

Chapter 6: Conclusions and recommendations

Thousands of parents in England appeal or use waiting lists each year in order to access their preferred secondary school. This is the first detailed analysis of the secondary school appeals and waiting lists system. We find that **the likelihood of getting into a first choice school through these routes varies considerably by family background, ethnicity, and pupil attainment at the end of primary school**. Moreover, the families that tend to be less successful at this later stage of the allocations process are often less successful at the initial offers round too, so face a ‘double disadvantage’. This is a concern not just because some families are less likely to have their school preferences met. It also matters because **the appeals and waiting lists system is a route for accessing schools with higher Ofsted ratings and socially advantaged intakes**.

Understanding *why* some demographic groups, and families in deprived areas, are much less likely to successfully appeal or use waiting lists is of key interest but hampered by data limitations. At least part of the problem is the way the allocation process works: proximity is often the main criterion to determine who is initially offered a place in the good, oversubscribed schools and waiting lists rank pupils on the same basis. Prioritising pupils based on geography is well-established in England but widens socio-economic gaps, through giving preferential access to families who can afford to live closer to the good schools. Measures that lower the priority, or prevalence, of distance as an admissions criterion would therefore help to narrow these gaps – including at later stages of the allocations process. The appeals system may also disadvantage some parents through its requirement for a written statement outlining parents’ reasons for appeal. This is clearly a potential barrier for those with poor literacy or for whom English is not their first language.

In conclusion, the system of appeals and waiting lists is an important, but under-researched, part of the process for allocating pupils to places – with appeals providing a key safeguard against maladministration and a means of balancing the differing needs of parents, pupils, schools and admission authorities. Our analysis reveals **a system which perpetuates inequalities in access to preferred and good schools and increases social segregation**. This works against the government’s aim of providing a world-class education which prioritises the most disadvantaged. The government has previously promised a review into school admissions which has not yet happened – our analysis indicates this is now pressing. Based on our findings we recommend:

- **The government must undertake a review of the school admissions system** which should include a detailed assessment of how school appeals and waiting lists are used.
- **Parents should have better information to navigate the complex admissions and appeals process**. All families have the right to use the appeals and waiting lists system, though not all parents may be aware of this or be able to exercise these rights. Government, local authorities and parent groups should also encourage parents to use all their available preferences when applying to schools. This may mean more parents receive an initial offer they are satisfied with, without the need for using appeals or waiting lists.
- **Support should be in place to ensure a level playing field for parents when appealing for a school place**: the requirement to produce a written statement may be a barrier to some parents.
- **More granular data should be collected and published on the number and proportions of appeals lodged, heard and upheld in parents’ favour – including by pupils’ demographic characteristics**. This would provide insight on whether some groups of parents are less likely to lodge an appeal or are less successful having done so.

References

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- ⁱ 'Department for Education Single Departmental Plan', GOV.UK, May 2018, <https://www.gov.uk/government/publications/department-for-education-single-departmental-plan/may-2018-department-for-education-single-departmental-plan>.
- ⁱⁱ Simon Burgess, Ellen Greaves, and Anna Vignoles, 'Understanding Parental Choices of Secondary School in England Using National Administrative Data', Discussion Paper (University of Bristol, Department of Economics, 2017); Emily Hunt, 'Secondary School Choice in England' (Education Policy Institute, September 2018); Matthew Weldon, 'Secondary School Choice and Selection: Insights from New National Preferences Data', Department for Education Research Report (Lancaster University, Department of Economics, August 2018).
- ⁱⁱⁱ Jon Andrews and Natalie Perera, 'Access to High Performing Schools in England' (Education Policy Institute, December 2017); Simon Burgess et al., 'What Parents Want: School Preferences and School Choice', *The Economic Journal* 125, no. 587 (2015): 1262–89, <https://doi.org/10.1111/econj.12153>.
- ^{iv} Department for Education, 'Schools Pupils and Their Characteristics 2018', Schools Pupils and their Characteristics, October 2018, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/719226/Schools_Pupils_and_their_Characteristics_2018_Main_Text.pdf.
- ^v Burgess, Greaves, and Vignoles, 'Understanding Parental Choices of Secondary School in England Using National Administrative Data'; Hunt, 'Secondary School Choice in England'; Weldon, 'Secondary School Choice and Selection: Insights from New National Preferences Data'.
- ^{vi} Department for Education, 'School Admission Appeals Code', February 2012, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/275897/school_admission_appeals_code_1_february_2012.pdf.
- ^{vii} Department for Education, 'School Admissions Code 2014', December 2014, <https://www.gov.uk/government/publications/school-admissions-code--2>.
- ^{viii} Department for Education, 'Admissions Appeals in England: Academic Year 2017 to 2018', August 2018, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/735139/2018_Admissions_Appeals_Release.pdf.
- ^{ix} Department for Education, 'Statistical First Release: Admission Appeals for Maintained and Academy Primary and Secondary Schools in England 2013 to 2014', July 2014, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/330733/SFR25-2014_Appeals.pdf.
- ^x Philip Noden, Anne West, and Audrey Hind, 'Banding and Ballots. Secondary School Admissions in England: Admission in 2012/13 and the Impact of the Growth of Academies' (Sutton Trust, February 2014), <https://www.suttontrust.com/wp-content/uploads/2014/02/banding-and-ballots-report.pdf>.
- ^{xi} Simon Burgess and Dr Rebecca Allen, 'Revising the Draft School Admissions Code', *Revising the Draft School Admissions Code* (blog), October 2011, <https://simonburgesseconomics.co.uk/revising-the-draft-school-admissions-code/>.
- ^{xii} John Coldron et al., 'Secondary School Admissions' (Department for Children, Schools and Families, 2008); Rebecca Montacute and Carl Cullinane, 'Parent Power 2018: How Parents Use Financial and Cultural Resources to Boost Their Children's Chances of Success' (Sutton Trust, September 2018), <https://www.suttontrust.com/wp-content/uploads/2018/09/Parent-Power-2018.pdf>.
- ^{xiii} Jo Hutchinson, 'School Inspection in England: Is There Room to Improve?' (Education Policy Institute, November 2016), <https://epi.org.uk/publications-and-research/school-inspection-england-room-improve/>.
- ^{xiv} Jon Andrews and Rebecca Johnes, 'Faith Schools, Pupil Performance, and Social Selection' (Education Policy Institute, December 2016), <https://epi.org.uk/publications-and-research/faith-schools-pupil-performance-social-selection/>.
- ^{xv} Burgess et al., 'What Parents Want'.
- ^{xvi} Coldron et al., 'Secondary School Admissions'.